

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>JOHN L. LEWIS PRATT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>1:08CV397</b>
	)	
<b>JOHN ASHCROFT, et al.,</b>	)	
	)	
<b>Defendant(s).</b>	)	

**RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

On June 13, 2008, Plaintiff John L. Lewis Pratt filed a civil action in this Court and requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). The allegations of Plaintiff's handwritten complaint are partially illegible and, in any event, indecipherable. Plaintiff seeks monetary damages.

In *Neitzke v. Williams*, 490 U.S. 319 (1989), the United States Supreme Court held that a district court may dismiss the complaint of a *pro se* litigant under 28 U.S.C. § 1915(e)(2)(B) when the complaint lacks "an arguable basis either in law or in fact." *Id.* at 325. *Neitzke* explained that "[§ 1915(e)(2)(B)] accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless." *Id.* at 327. Additionally, under *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992), a court may dismiss as frivolous in forma pauperis

complaints whose factual allegations are fanciful, fantastic, delusional, irrational, or wholly incredible, but not those which are simply unlikely.

The Court concludes that Plaintiff Pratt's complaint is subject to dismissal under *Neitzke*. Plaintiff's complaint fails to state a cause of action or provide any statutory or other basis for federal jurisdiction. His claims are fanciful, delusional, irrational and largely indecipherable. For these reasons, **IT IS RECOMMENDED** that *in forma pauperis* status be granted and that Plaintiff's complaint be dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B).

/s/ P. Trevor Sharp  
United States Magistrate Judge

Date: July 28, 2008